

## THE CITY OF CLAYTON

Board of Aldermen Meeting – **1<sup>st</sup> Meeting**  
Council Chambers - 10 N. Bemiston Avenue  
April 26, 2011  
7:00 p.m.

### Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Alex Berger, Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas, and Cynthia Garnholz

Mayor Goldstein  
City Manager Owens  
City Attorney O'Keefe

Mayor Goldstein welcomed the citizens and presented a Proclamation declaring the first week of May as "Local Government Week."

Mayor Goldstein asked for any questions or comments relating to the April 12, 2011 minutes, which were previously provided to the Board.

**Alderman Goodman moved to approve the April 12, 2011 minutes. Alderman Lichtenfeld seconded the motion.**

**The motion passed unanimously on a voice vote.**

### **PUBLIC REQUESTS AND PETITIONS**

None

### **CRÈME DE LA CLAYTON AWARDS**

Mayor Goldstein introduced the annual Crème de la Clayton award program. This program was established to recognize an actively engaged citizen, local group or business that has gone beyond the call of duty, besides serving on a City Board or Commission, to enhance the quality of life for Clayton residents, workers and visitors. Mayor Goldstein stated that the Crème de la Clayton is well represented in each of the City's Wards and asked a representative of each Ward to present the award to the deserving individuals.

#### **Ward I - Aldermen Goodman and Maddox-Dallas**

Carmine and Jo Coscia were recognized for their Commitment to the Hi-Point DeMun neighborhood.

Ashley and Louise Cadwell were recognized for their early childhood education work at St. Michael's School.

#### **Ward II Aldermen Harris and Garnholz**

Judy Glik recognized for her contributions on behalf of the new library at Glenridge School.

Jim Sherby recognized for his book *From New Madrid to Claverach* and his commitment to the Clayton Century Foundation.

Michael and Barbara Newmark recognized for their generous donation of a watering station in Oak Knoll Park.

**Ward III Aldermen Berger and Lichtenfeld**

Simon Katz, owner, Simon's Jewelers, recognized for reinvesting and expanding his business in the Clayton Community.

Sandy MacLean, recognized for his leadership role in Proposition P and his continued commitment to the Old Town Clayton Neighborhood Association.

Monsignor John Shamleffer recognized for his continued support to the Old Town Clayton Neighborhood Association.

**A PUBLIC HEARING AND ORDINANCE TO CONSIDER AMENDMENTS TO THE SIGN CODE TO ALLOW SIDEWALK SIGNS**

**Alderman Berger moved that the Board open the public hearing with regard to Bill No. 6261, to consider an amendment to Chapter 425, Sign Ordinance to add a definition of "sidewalk sign" and request proof of publication. Alderman Lichtenfeld seconded.**

**The motion passed unanimously on a voice vote.**

Susan Istenes gave a brief presentation to the Board stating that the proposed amendments will allow the placement of temporary portable sidewalk signs in all commercial zoning districts. The signs would either be placed on the ground (public sidewalk or private property) or attached to an outdoor seating area pedestrian barrier.

Ms. Istenes reported that on March 21, 2011 a public hearing was held with the City's Plan Commission to consider amendments to Chapter 425, *Sign Regulations*, of the City's Land Use Code. With some very minor modifications the Plan Commission voted unanimously to recommend approval to the Board of Aldermen.

City staff met with members of the Clayton Retailers group on October 5, 2010 and January 21, 2011 and discussed the possibility of amending the code to allow portable sidewalk signage. The proposed regulations were also mailed to business owners to solicit their comments during the drafting period. Additionally, the proposed amendments have been posted on the Planning Department's web site for 4 months and the City's information office posed a question on the Open Government forum on the City's web site. Although the retailers were supportive of the proposal and were the only group that commented, staff anticipates there are pluralities of opinions on sidewalk signage that have not been expressed. Once signage starts appearing on the sidewalks, staff anticipates additional comments from sidewalk users and those who are sensitive to city aesthetics.

Ms. Istenes stated that the regulations as proposed set forth definitions for sidewalk signs and a pedestrian access route (PAR). The PAR is a defined accessible corridor for pedestrian use along a sidewalk, and from the sidewalk to building or property entry points, parking areas and

public transportation. The draft regulations also set forth development standards and minimum requirements. It is important to note that the regulations are designed to address pedestrian scale signage visible to people using the sidewalk and not the motoring public. Therefore, the design criteria and size standards are intended to allow for signage of a reasonable size which is primarily visible to pedestrians and can be accommodated on the very limited space that is present on many sidewalks. Additionally, the design criteria are intended to ensure some uniformity in design and to encourage relatively attractive signage by mandating some common but limited allowable material types.

Any concern other types of signage or signage intended to be visible to motorists including increased building or wall sign area would have to be addressed through a separate code amendment process.

Ms. Istenes stated that the proposed amendments are of economic interest and will address the retailers' desire to have increased visibility (and presumably increased sales) for their businesses in the form of signage.

One of the biggest challenges associated with allowing this type of signage is ensuring compliance with the ADA Accessibility Guidelines standards on public sidewalks. The second challenge is to ensure that visual clutter and the competition for space on already crowded sidewalks do not diminish the appearance and character of the Clayton retail areas while ensuring the safety of pedestrians, the motoring public and the protection of private property. To assist in the application and interpretation of the proposed sign standards staff drafted a diagram which will be adopted into the code. An illustration of the diagram will be used as guidance for signage placement and for enforcement purposes to ensure ADA Accessibility Guidelines compliance and to ensure safety for pedestrians and motorists.

In some areas of the City the sidewalks are narrow and the signage will compete for space with other fixtures (parking meters, benches, other signage, car doors, etc.) and the City's streetscape plantings. There may be some instances where the location of a building and the dimensions of a public sidewalk may make it impossible to locate a sign on the sidewalk however; the amendments also allow signage to be located on private property if there is sufficient space. Furthermore, the regulations mandate that where a properly permitted outdoor seating barrier exists, signage must be hung from the barrier as opposed to being placed on the ground.

The third challenge will be the sign permitting process which is anticipated to consume more staff time due to the variety of circumstances and competing interests for space on the City's sidewalks. Furthermore, enforcement is anticipated to be challenging due to the number of signs anticipated. The approximate fee including inspections will be \$100.

Finally, the proposed regulations may increase the City's exposure to potential law suits regarding accessibility on sidewalks if the signage is not properly placed by the business owners per the code and permit requirements. Sign regulations have to be content neutral and may regulate time, place and manner of signage, but not content. While the proposed design standards may assist in standardizing the appearance of portable signs, nevertheless the presence of portable signs and the content of the signs will mark a change in the character of the street scene in these retail and business areas that should be fully considered.

In response to the Board's questions, Ms. Istenes stated that there are no minimum sign requirements and that one of the main concerns that the retailers had was to have a sign that is heavy enough to stay in place during a windy day.

Alderman Berger expressed his concern that the signs located on the sidewalks will force strollers and wheelchairs into the streets that causes a pedestrian safety issue. He said that the signs are inviting more of an "obstacle course" for pedestrians and from looking at the pictures in the presentation it is frightening to see some of the sample signage.

Alderman Berger requests that the City have an experimental run at the signage from May 1<sup>st</sup> through October 1<sup>st</sup> with the police department thoroughly patrolling the area to look for violations and situations that compromise ADA accessibility. He added that he does not encourage the use of inspectors' time during the day to patrol for violations because the violations most likely occur after hours.

In response to Mayor Goldstein's question, Ms. Istenes stated that there were approximately 25 retailers in total that attended both meetings and that there were no negative comments to the signage plan.

Ms. Istenes also stated that her research was not based on any local communities, but added that if they experience retailers who would have repeat violations or issues with any safety concerns staff has the authority to deny a request for a permit.

Ms. Istenes added that if necessary, staff can amend the ordinance to tighten the language to which that process would go before the ARB.

Mayor Goldstein expressed her support of the amendment to the sign ordinance in order to support the retailers, but also expressed that she is concerned that the adoption of the ordinance will encourage even more signs than anticipated which could possibly lead to a bigger problem.

Alderman Goodman stated that she feels very strongly that adoption of the ordinance will send a strong message of support to the retailers.

Alderman Lichtenfeld stated that it could possibly encourage a great diversity of design features such as colors and lettering.

Alderman Harris agreed that the opportunity will allow sign creativity and will add character to the business.

In response to Mayor Goldstein's concerns, City Manager Owens stated that staff will monitor the signs and report any violations and if amendments to the ordinance are required they will follow a similar process to make those changes.

**Alderman Berger moved that the Board closed the public hearing with regard to Bill No. 6261, to consider an amendment to Chapter 425, Sign Ordinance to add a definition of "sidewalk sign". Alderman Lichtenfeld seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Berger introduced Bill No. 6261, to approve an amendment to Chapter 425, Sign Ordinance to add a definition of “sidewalk sign” to be considered for the first time to be read by title only. Alderman Lichtenfeld seconded.**

Mayor Goldstein again expressed her concerns with the adoption of the ordinance and stated that she will be voting in its favor, but advised the staff to watch very carefully and address any issues that may come up.

**City Attorney O’Keefe reads Bill No. 6261, to approve an amendment to Chapter 425, Sign Ordinance to add a definition of “sidewalk sign” by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Berger introduced Bill No. 6261, to approve an amendment to Chapter 425, Sign Ordinance to add a definition of “sidewalk sign” to be considered for the first time to be read by title only. Alderman Lichtenfeld seconded.**

**City Attorney O’Keefe reads Bill No. 6261 for the second time. Alderman Berger – Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6145 of the City of Clayton.**

**A RESOLUTION TO APPROVE A CONTRACT WITH TRAK ENGINEERING FOR THE FUEL STATION MANAGEMENT SYSTEM PROJECT**

City Manager Owens reported that bids were opened at 2:00 pm on March 1<sup>st</sup>, 2011, for the Fuel Station Management System Project. The City received three (3) responsive with Trak Engineering submitting the lowest base bid in the amount of \$75,462.90.

The Scope of Work consists of removal and replacement of existing fueling equipment (two fuel dispensers & one fuel terminal) and the implementation of an Automated Fueling System including the installation of 120 on-board diagnostic vehicle transmitting devices that have an on-board diagnostic port. Other vehicles and equipment that do not have an on-board diagnostic port, will be able to fuel manually.

The Revolving Public Improvement Fund has \$162,000 budgeted for this activity in FY 2011. The Department of Public Works is requesting approval of the contract for \$75,462.90, which represents the bid submitted by Trak Engineering, Inc. In addition, the Director of Public Works requests authorization to approve change orders in an amount not to exceed \$12,000.00, which is approximately 15% of the project cost. This contingency would be used to cover expenditures to correct unknown site issues that become apparent during the project.

Staff recommendation is to approve the resolution authorizing a contract with Trak Engineering, Inc. in the amount of \$75,462.90, plus a contingency of \$12,000.00 for the Fuel Station Management System Project.

**Alderman Berger moved to approve Res. No. 11-18, a contract for the Fuel Station Management System Project FY2011. Alderman Lichtenfeld seconded.**

**The motion passed unanimously on a voice vote.**

A MOTION TO APPROVE A LIQUOR LICENSE TO SELL ALL KINDS OF INTOXICATING LIQUOR AT RETAIL BY THE DRINK, INCLUDING SUNDAYS FOR HALF & HALF, LLC, 8135 MARYLAND AVENUE

City Manager Owens reported that Half & Half, LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 8135 Maryland Avenue under the name of Half & Half.

The Police Department has completed its review of the application and supports the issuance of the requested license.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including on Sundays.

**Alderman Berger moved to approve a liquor license for Half & Half, LLC located at 8135 Maryland Avenue. Alderman Lichtenfeld seconded.**

In response to the Board's questions, Mr. Michael Randolph, owner, stated that the name Half & Half came about because they will serve breakfast and lunch all day. He said that the restaurant hours will be 7 a.m. to 2:30 p.m. daily, but closed on Monday. He anticipates opening on May 24<sup>th</sup>.

**The motion passed unanimously on a voice vote.**

SIX-MONTH FINANCIAL REPORT

Don Yucuis gave a brief PowerPoint presentation on the City's Six-Month Financial report that was previously provided to the Board for their review.

A MOTION TO CERTIFY THE APRIL 5, 2011, MUNICIPAL ELECTION RESULTS

City Manager Owens reported that on April 5, 2011, a municipal election was held for the offices of Alderman in Ward I, Ward II and Ward III due to term expiration. The results of the municipal election as certified by the Board of Election Commissioners of St. Louis County are as follows:

Ward I – Andrea Maddox-Dallas	163 votes
Ward II – Cynthia Garnholz	338 votes
Ward III – Mark Winings	396 votes
Steve Singer	264 votes
Jim Holtzman	284 votes

Recommendation is to adopt a motion to accept the canvassed and certified results of the April 5, 2011 municipal election, declaring Andrea Maddox-Dallas as Ward I Alderman to serve a

three year term; Cynthia Garnholz as Ward II Alderman to serve a three year term; and Mark Winings as Ward III Alderman to serve a three year term.

**Alderman Berger moved that the Board accept the Certification of the April 5, 2011 Election Results. Alderman Lichtenfeld seconded.**

**The motion passed unanimously on a voice vote.**

#### Other

Mayor Goldstein stated that nine years is a really long time to volunteer one's time and tonight she would like to honor Alderman Alex Berger for his nine years of service to the City of Clayton. She said that it would take much more time than they have tonight to list all of Alex's accomplishments since first elected. She mentioned a few highlights of his political service, one being most recently serving on the Economic Development Advisory Committee, Parks & Recreation Commission, Non-Uniformed Retirement Fund and Uniformed Retirement Fund committees and numerous special task forces, including the Ice Rink Task Force, the Joint Study Committee and the collaborative study meetings with Maplewood and Richmond Heights. All of those in addition to two Board of Aldermen meetings each month plus countless meetings with constituents. She said that Alex has made and will continue to make a big difference in the community working tirelessly and enthusiastically to represent the citizens of Ward 3 and to do whatever was best for the entire Clayton community. She said that sometimes the balancing act is really hard to do to represent the citizens of your ward and to also represent the entire city, but Alex was never afraid to stand up for what he felt was right. She stated that she has always complimented the Board for their diverse opinions, perspectives and their ability to engage in respectful debate as they worked together to come up with the best results for whatever issue was before them. She said that they will miss Alex's input, and quoted that "there is no conversation more boring than the one where everybody agrees" and that Alex has definitely not been boring. She said that Alex should be proud of his many accomplishments and he may be leaving the Board, but that his contributions to the community will endure and on behalf of the Board Mayor Goldstein thanked him.

Alderman Lichtenfeld agreed that nine years is a very long time and that Alex has brought the Board one word that they will continuously hear and that is "metrics." He said that when they look back at Alex's tenure, he has gone through three city managers, three mayors, has served with countless aldermen, and has continuously striven to make sure that they go down a road of progressiveness, rationality and accountability at all times. He said as the Mayor indicated, Alex has contributed positive comments and directions on each and every committee and has also shown to the elected officials that the team work approach is the best way to go about it where rationality and continuous thought processes bring them to good solutions. Alex has always been in the forefront of bringing prioritization to the discussions. Alderman Lichtenfeld said that he values Alex's friendship and admits that he was a major influence in getting him to run for election. He said that if Alex was measured, he would come out very high and that Alex's own statement of metrics can be applied to him in that he has accomplished much and leaves the City a much better place and he certainly salutes Alex for his service to the community and to the friendship to each of them.

Alderman Goodman reflects from a historical perspective remembering her first interest in serving as an elected official which at that time the meetings were held at The Center of Clayton. She said that she looked to Alex on how he participated in those meetings and how he was a model to her as she learned the process. She said that she was very aware of his

contributions to the Board and it has been a privilege to serve with him often challenging them to think more deeply about the issues before them, with the issue of the sidewalk signs as a good example. She said that Alex challenges them to think it through before voting on an issue to make sure they have considered all of the possibilities of their actions which has helped them to achieve those outcomes. She said that it has been a privilege to serve with him and thanked him for his efforts.

Alderman Harris said that she didn't want to be repetitive, but wanted to add that she has sat across from Alex for a few years and when topics come up she usually would look at him first, sometimes glaring, but most times laughing. She added that she will miss Alex's humor and the ability to look across the aisle to set the tone for the issue at hand and she thanked Alex for that.

Alderman Maddox-Dallas also did not want to be repetitive, but also expressed how she too looked to and appreciated all of the insight that Alex contributed. She said that both she and Alex share similar career backgrounds and understands his statements regarding metrics. She said that she learned a lot from Alex and thanked him for his expertise and advice that she will miss.

Alderman Garnholz stated that there is another word that she associates with Alex besides "metrics" and that is "process". She said that Alex has always been a stickler for making sure the process is respected and in place and is taken into consideration and his insistence on that has served them well. She thanked Alex for all of his guidance, assistance and wisdom.

Alderman Berger thanked everyone stating that this Board is a remarkable group and thanked each and every one of them. He said that they have made it a fantastic experience for him including the past aldermen and mayors, Frank Kenney, Ben Uchitelle, Dan Human, Harold Sanger, and Mike Schoedel who were all terrific in helping this to one of the best experiences of his life. He thanked Alderman Lichtenfeld, his partner and fellow alderman in Ward 3 for being such a terrific friend. He said that what they all have done as elected officials is to meet the standard in expectation of excellence and it has been a privilege for him to be with them on the journey that they've been on. He said that he hopes to be close by and knowledgeable about what happens in the future. He thanked the City Manager stating that the directors were the best to work with and learn from adding that he is tired of losing conversational discussions with Mike Pratt and thanked the department heads for all that they do because they have made the city what it is and that Clayton is the best place to work and live in the metropolitan area. He said that he has worked for two city clerks who have really been unbelievable, Catherine Yucuis took him by his hand and told him where to sit, what to say, what not to do and every time he did something right she nodded. June Waters takes his calls and responds to him, puts out the instructions on what he should say at every meeting and he thanked her for that. His friends and neighbors in Ward 3 were kind enough to give him this privilege and that this is an honor that he respectfully accepts and he is thankful that he was given the opportunity to be an alderman and thanked them for it. He said that his wife, Cindy, is responsible for him winning his first election and is a shameless telemarketer who will not take no for an answer and thanked her stating "honey I love you." He said that while he is sad to leave it is important to remember that because of term limits, Alderman Lichtenfeld and he had a chance to become aldermen, now Mark Winings has the opportunity to now join the fabulous group with his experience, insight and energy, congratulating and welcoming Mark. He added that this experience has been the best because he had an opportunity to contribute to the community and always talked about how great the City of Clayton was calling it the Riviera of the Mississippi and has been a resident for over 50 years.



**Alderman Berger moved to adjourn the meeting sine die at 8:35 p.m. Alderman Lichtenfeld seconded.**

**The motion passed unanimously on a voice vote.**

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Mayor

ATTEST:

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City Clerk

Swearing in ceremony of Aldermen Maddox-Dallas, Garnholz and Winings.

## THE CITY OF CLAYTON

Board of Aldermen Meeting – **2<sup>nd</sup> Meeting**  
Council Chambers - 10 N. Bemiston Avenue  
April 26, 2011  
8:36 p.m.

### Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Mark Winings, Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas, and Cynthia Garnholz

Mayor Goldstein  
City Manager Owens  
City Attorney O'Keefe

### MOTION TO ELECT MAYOR PRO TEMPORE

City Manager Owens reported that Per the City of Clayton Charter, Article II, Section 2, the Board of Aldermen shall elect from among the aldermen a mayor pro-tempore, who shall act as mayor in the absence of the mayor.

Alderman Steve Lichtenfeld has been nominated by Mayor Goldstein to be appointed as Mayor Pro Tempore.

**Alderman Goodman moved to appoint Alderman Lichtenfeld as Mayor Pro Tempore.  
Alderman Harris seconded.**

**The motion passed unanimously on a voice vote.**

There being no further business the meeting adjourned at 8:40 p.m.

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Mayor

ATTEST:

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City Clerk